

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes
Before the Honorable Kea W. Riggs

CASE NO. CR 21-1510 KWR

DATE: November 13, 2023

TITLE: *USA v. Christopher Marquez*

COURTROOM CLERK: C. Bevel

COURT REPORTER: Andrea Lynch

COURT IN SESSION: 10:04AM-11:31AM

TOTAL TIME: 1 hour 27 minutes

TYPE OF PROCEEDING: COMPETENCY HEARING

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Mark Probasco

ATTORNEYS PRESENT FOR DEFENDANT(S):

Brian Pori

PROCEEDINGS:

10:04am Court in session, counsel enter appearances, defendant present in custody. Dr.

Cassandra Morris, AUSA Alex Flores and Dr. Heather Ross appear with permission by zoom.

10:06am Mr. Pori addresses Court requests court take judicial notice of the Writ of Habeas filed in CV 22-513 MIS-KRS.

10:07am Court takes judicial notice.

10:07am Court takes judicial notice and notes that Mr. Pori is new counsel, replacing Mr. Fooks as counsel.

AUSA Probasco moves, and Court admits without objection Government exhibits 1) Forensic Evaluation completed by Dr. Morris; 2) CV of Dr. Morris; 3) Evaluation from August 2022; 4) Doc. 52 in this case – letter from defendant.

10:09am AUSA Probasco calls witness Dr. Cassandra Morris, witness sworn.

10:10am AUSA Probasco conducts direct examination of witness Dr. Morris.

10:10am Court recognizes Dr. Morris as an expert in forensic psychology.

10:11am AUSA Probasco continues with direct examination of witness Dr. Morris.

10:20am Mr. Pori conducts cross examination of witness Dr. Morris.

11:10am AUSA Probasco conducts re-direct examination of witness Dr. Morris.

11:16am Court questions witness Dr. Morris.

11:18am Mr. Pori follows up with a few more questions.

11:21am Court excuses Dr. Morris.

11:22am AUSA Probasco addresses Court with closing statements, requests order finding defendant competent to proceed to trial.

11:24am Mr. Pori responds, requests finding of incompetency or re-referred for psychological testing.

11:27am Court finds preponderance of evidence that defendant is not suffering from mental disease or defect; finds defendant is competent to proceed to trial. Court requests AUSA Probasco provide the Court with a proposed order. Court addresses defendant.

11:31am Court in recess.